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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 SUNIL KUMAR, Ph. D., PRAVEEN
13 SINHA, Ph. D.,

14 Plaintiffs,

15 v.

16 DR. JOLENE KOESTER, in her
17 official capacity as Chancellor of
California State University,

18 ,

19 Defendant.

Case No. 2:22-cv-07550-RGK-MAA

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANT CALIFORNIA
STATE UNIVERSITY'S MOTION
FOR JUDGMENT ON THE
PLEADINGS**

Date: June 26, 2023
Time: 9:00 a.m.
Judge: R. Gary Klausner
Trial Date: October 31, 2023

1 person's race, color, religion, sex, age, national or ethnic origin, disability, veteran
 2 status, sexual orientation, gender identity, gender expression, or any other
 3 characteristic protected under applicable law and **caste** which is protected under this
 4 policy, in the administration of its policies, programs, and activities. The University
 5 recognizes and rewards individuals on the basis of qualifications and performance.")
 6 Also available at <https://perma.cc/RJQ2-ZY9B>.

7 4. Relevant excerpts from: *Nondiscrimination Policy*, Colby College,
 8 ("The principle of not discriminating on the basis of race, color, age, sex, sexual
 9 orientation, gender identity, religion, pregnancy, parental or marital status, national
 10 or ethnic origin, **caste**, political beliefs, or disability unrelated to job or course of
 11 study requirements is consistent with the mission of a liberal arts college and the
 12 law.") Also available at <https://perma.cc/9KDS-CJYX>.

13 5. Relevant excerpts from: *Harvard Graduate Student Union Agreement*
 14 (Article 7, Section 1(A)), at p. 13 ("Harvard University provides equal opportunity
 15 in employment for all qualified persons and shall not discriminate against any SW
 16 on the basis of race, color, religion, **caste**, creed, sex, sexual orientation, marital
 17 status, parental status, pregnancy and pregnancy-related conditions, gender identity,
 18 gender expression, genetic information, national origin, ancestry, age, veteran status,
 19 military service, physical or mental disability, political beliefs, union activity or
 20 membership, or membership in other protected status under Massachusetts, federal
 21 or local law, or any University Policy.) Also available at [https://perma.cc/S7AB-](https://perma.cc/S7AB-HRSL)
 22 [HRSL](https://perma.cc/S7AB-HRSL).

23 6. Relevant excerpts from: *Discrimination, Harassment & Discrimination*
 24 *Assistance and Prevention Program*, University of California, Davis, at p. 1
 25 ("Discrimination is defined as an illegal or prohibited adverse employment or
 26 educational action, or harassment based on race, color, national origin (including
 27 caste or perceived **caste**), religion, sex, gender, gender expression, gender identity,
 28 gender transition status, pregnancy, physical or mental disability, medical condition

(cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services, including protected veterans.”); *id.* at 2 (“The following characteristics and categories are protected by law, i.e. discrimination on the basis of these characteristics is illegal . . . national origin (including caste or perceived caste)”). Also available at <https://perma.cc/S4P9-SY3M>.

Bills, Laws, Government Reports,

Legislative Findings, and Resolutions on Caste (U.S., State, and Municipal)

7. *Discrimination on the basis of caste*, S.B. 403, 2023 Leg., Reg. Sess. (Cal. 2023). Also available at <https://perma.cc/YW5Q-FSJA>.

8. *Discrimination on the basis of caste, Bill History*, S.B. 403, 2023 Leg., Reg. Sess. (Cal. 2023). Also available at <https://perma.cc/HX7J-LCP9>.

9. Seattle, Wash., Ordinance 126,767 (Feb. 23, 2023). Also available at <https://perma.cc/UM7P-TAGE>.

10. SEATTLE, WASH., MUNICIPAL CODE § 3.110.260 (2023). Also available at <https://perma.cc/9SXA-P7DB>.

11. Relevant excerpts from: *2021 Country Reports on Human Rights Practices: Bangladesh*, U.S. Department of State (2021) at p. 49 (“NGOs reported national origin, racial, and ethnic minorities faced discrimination. . . . ([S]ome Dalits (lowest-caste Hindus) suffered from restricted access to land, adequate housing, education, and employment.”). Also available at <https://perma.cc/PV3U-5YQ8>.

12. Relevant excerpts from: *2021 Country Reports on Human Rights Practices: India*, U.S. Department of State (2021). Also available at <https://perma.cc/7X5U-V9EH>.

13. Relevant excerpts from: *2021 Country Reports on Human Rights Practices: Mauritania*, U.S. Department of State (2021) at pp. 20, 22 (“Children of

1 lower **castes** from both Haratine and sub-Saharan families often did not receive any
 2 formal education. . . . The law provides that all citizens, regardless of race or
 3 ethnicity, are equal. Nevertheless, Haratines (the ‘Black Moors’ and former slave
 4 **caste**) and sub-Saharans often faced discrimination from the country’s Beydane
 5 community. . . . Haratine and sub-Saharan ethnic groups faced governmental
 6 discrimination while the Beydane ethnic group received governmental preference.”)
 7 Also available at <https://perma.cc/2VR8-3VWW>.

8 14. Relevant excerpts from: *2021 Country Reports on Human Rights*
 9 *Practices: Nepal*, U.S. Department of State (2021) at p. 27–28 (“**Caste**-based
 10 discrimination is illegal, and the government outlawed the public shunning of or
 11 violence against Dalits and tried to protect the rights of other disadvantaged
 12 **castes**[.] . . . Discrimination against lower **castes** and some ethnic groups, including
 13 in employment was widespread and especially common in the Terai region and in
 14 rural areas.”) Also available at <https://perma.cc/5BQA-V8SX>.

15 15. Relevant excerpts from: *2021 Country Reports on Human Rights*
 16 *Practices: Nigeria*, U.S. Department of State (2021) at p. 43 (“The law prohibits
 17 ethnic discrimination by the government, but most ethnic groups claimed
 18 marginalization in terms of government revenue allocation, political representation,
 19 or both.”) Also available at <https://perma.cc/R978-GC8A>.

20 16. Relevant excerpts from: *2021 Country Reports on Human Rights*
 21 *Practices: Pakistan*, U.S. Department of State (2021) at p. 65 (“The use of forced
 22 and bonded labor was widespread and common in several industries across the
 23 country. . . . Traffickers also targeted lower-**caste** Hindus as well as Christians and
 24 Muslims with lower socioeconomic backgrounds especially for forced and bonded
 25 labor.”) Also available at <https://perma.cc/95SK-Z3RR>.

26 17. Relevant excerpts from: *2021 Country Reports on Human Rights*
 27 *Practices: Somalia*, U.S. Department of State (2021) at p. 41 (“Minority groups,
 28 often lacking armed militias, continued to be disproportionately subjected to

1 killings, torture, rape, kidnapping for ransom, and looting of land and property with
 2 impunity by faction militias and majority clan members, often with the acquiescence
 3 of federal and local authorities.”). Also available at <https://perma.cc/WNH4-7A3E>.

4 18. Relevant excerpts from: *2021 Country Reports on Human Rights*
 5 *Practices: Yemen*, U.S. Department of State (2021) at p. 42, 47 (“[W]hile social
 6 **castes** and slavery were abolished in the 1960s, tribal justice systems reinforced
 7 historical patterns of discrimination. . . . Muhamasheen women were particularly
 8 vulnerable to rape and other abuse because of the general impunity for attackers due
 9 to the women’s low-**caste** status.”). Also available at [https://perma.cc/U9BR-](https://perma.cc/U9BR-DLWG)
 10 [DLWG](https://perma.cc/U9BR-DLWG).

11 19. Equal Employment Opportunity Commission – Race/Color
 12 Discrimination FAQs (“Q. Is it illegal to discriminate against or harass someone of
 13 your own race? A. Yes. It is illegal for people to discriminate against people of their
 14 own racial group on the basis of race or color. For example, a light-skinned Black
 15 male may not harass another Black male who has darker skin.”). Also available at
 16 <https://perma.cc/Q6CE-X6DH>.

17 20. Relevant excerpts from: 110th CONGRESS H.C.R. 139 2007 at p. 2, 5
 18 (expressing “it is United States Government policy that **caste** discrimination is
 19 unacceptable, and that the United States is committed to eliminating it,” based on,
 20 “Joint Statement between President George W. Bush and India’s Prime Minister
 21 Manmohan Singh, . . . leaders of nations committed to the values of human freedom,
 22 democracy, and rule of law”). Also available at <https://perma.cc/ME5Z-ED34>.

23 21. Relevant excerpts from: 117th CONGRESS, 1st Session, H.Res. 315,
 24 Apr. 14, 2021 at p. 3 (“Resolved, That the House of Representatives . . . affirms the
 25 prohibition of untouchability and caste discrimination in all forms, as enshrined in
 26 the principles in the Universal Declaration of Human Rights, which proclaims that
 27 ‘all human beings are free and equal in dignity and rights’, and denounces
 28 discrimination on the basis of social origin, birth, or any other status; and recognizes

1 that equality, justice, and liberty are essential rights for all people.”) Also available
2 at <https://perma.cc/7HH8-PCWW>.

3 22. Relevant excerpts from: 117th CONGRESS, 2nd Session, H.R. 1043
4 Apr. 7, 2022 at p. 1 (commending the effort to fight **caste** inequality: “[w]hereas
5 Sikhism was founded by Guru Nanak . . . Guru Nanak proclaimed that all men and
6 women are equal, and criticized **caste** inequality and other forms of social
7 injustice”). Also available at <https://perma.cc/4H5H-KFLW>.

8 23. Relevant excerpts from: 117th CONGRESS, 2nd Session, H.R. 1305
9 Jul. 29, 2022 at p. 2 (commending the efforts to abolish the **caste** system: “Whereas
10 Islam teaches and upholds the equality of all people, regardless of race or social
11 status, abolishing systems that are against it, including the **caste** system . . . to
12 demonstrate solidarity with and support for members of the community of Islam”).
13 Also available at <https://perma.cc/YG6Z-CFPD>.

14
15 **Reports, Positions, Statements, and Recommendations of the United Nations**
16 **and Special Rapporteur**

17 24. Relevant excerpts from: UN High Commissioner for Refugees
18 (UNHCR), UNHCR Position on Returns to Mali – Update III (Jan. 2022), at pp. 4–5
19 (“In the Kayes region, communal violence related to descent-based slavery has seen
20 a “dramatic rise” in 2021. . . . On 28 September 2021, a group of people from this
21 **caste** were celebrating Mali’s independence day when a group brutally attacked
22 their gathering, bound them hand and foot and publicly humiliated them.”). Also
23 available at <https://perma.cc/UN39-5KUR>.

24 25. Relevant excerpts from: UN High Commissioner for Refugees
25 (UNHCR), International Protection Considerations with Regard to People Fleeing
26 Somalia, Section III(A)(4), HCR/IPC/SOM/2022/01 (Sept. 2022) at pp. 15, 18, 20–
27 21. Also available at <https://perma.cc/M5X4-37LW>.

28 26. Rita Izsák (Special Rapporteur on Minority Issues established by the

U.N. Commission on Human Rights), Rep. of the Special Rapporteur on minority issues, ¶ III(C)(31), UNITED NATIONS SPECIAL RAPPORTEUR ON MINORITY ISSUES, U.N. Doc. A/HRC/31/56, Document E, (Jan. 28, 2016). Also available at <https://perma.cc/7PX2-XH3J>.

27. Relevant excerpts from: Office of the High Commissioner for Human Rights, Comm. on the Elimination of Racial Discrimination on Its Sixty-First Session, Gen. Recommendation No. 29 (Descent) (2002), at pp. 1–3. See <https://www.refworld.org/docid/4538830511.html>; also available at <https://perma.cc/FU4J-G3W5>.

Law of India

28. Relevant excerpts from: India Const. art. 15, cl.1. (“The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.”); *Id.* at art. 15(2) (“No citizen shall, on grounds only of . . . caste . . . be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort . . .”). Also available at <https://perma.cc/2Z6U-VX2H>.

29. Relevant excerpts from: *Prevention of Atrocities Act*, India: Act No. 33 of 1989, Scheduled Castes and the Scheduled Tribes, (Jan. 30, 1990). Also available at <https://perma.cc/DQ36-U6XH>.

The Presence of Caste in Popular Discussion

30. Defendant further requests judicial notice of the fact that “caste” and “caste discrimination” is a topic of public discussion and in popular discourse, based on the following mentions in widely-circulated newspapers, magazines, and books. (Note that Defendant does not seek judicial notice of the truth of the matters asserted in the following publications; rather, it seeks judicial notice only of the fact that

1 caste is a common topic of discussion in widely-circulated newspapers, magazines,
2 and books.)

- 3 a. Chris Quintana, *Why are American colleges addressing caste*
4 *discrimination?*, USA Today (Nov. 24, 2021). Also available at
5 <https://perma.cc/L3TM-3GEU>.
- 6 b. Conor Murray, *Seattle Bans Caste Discrimination: What That*
7 *Means and Why the Movement Against Social Stratification is*
8 *Growing*, FORBES (Feb. 23, 2023). Also available at
9 <https://perma.cc/JC3W-X6MF>.
- 10 c. Daheen Glanton, *Column: White privilege – and the American*
11 *caste system – were on display during the insurrection*, CHI.
12 TRIB. (Jan. 11, 2021). Also available at
13 <https://perma.cc/W3WM-U2VM>.
- 14 d. David Gilbert, *Silicon Valley Has a Caste Discrimination*
15 *Problem*, VICE NEWS (Aug. 5, 2020). Also available at
16 <https://perma.cc/G6HU-PC5L>.
- 17 e. Hillel Italie, *Oprah Winfrey picks Isabel Wilkerson’s ‘Caste’ for*
18 *her book club*, CHI. TRIB. (Aug. 4, 2020). Also available at
19 <https://perma.cc/A5R3-DDXL>.
- 20 f. Isaac Chotiner, *Google’s Caste-Bias Problem*, NEW YORKER,
21 (Aug. 11, 2022). Also available at [https://perma.cc/E7FX-](https://perma.cc/E7FX-2GZM)
22 [2GZM](https://perma.cc/E7FX-2GZM).
- 23 g. Jeong Park, *Hindu nationalism in India ratchets up tensions*
24 *among immigrants in the U.S.*, L.A. TIMES (Sept. 6, 2022).
25 Also available at <https://perma.cc/K94F-UVTY>.
- 26 h. Karan Deep Singh, *With Stories of Her Oppressed Community, a*
27 *Journalist Takes Aim at the Walls of Caste*, N.Y. TIMES (Mar.
28 6, 2023). Also available at <https://perma.cc/6P22-7WNZ>.

- i. Laurence Simon, *WHY A JOURNAL ON CASTE?*, *CASTE: A GLOBAL JOURNAL ON SOCIAL EXCLUSION*, Vol. 1, Issue 1 p. i (Feb. 2020). Also available at <https://perma.cc/8CCC-7SDH>.
- j. *Maine’s Colby College bans discrimination based on caste*, ASSOCIATED PRESS, (Oct. 15, 2021). Also available at <https://perma.cc/2ZWG-HEWV>.
- k. Meryl Sebastian, *Why the West is Reckoning with caste bias now*, BBC (Apr. 28, 2022). Also available at <https://perma.cc/M8NA-ZZNG>.
- l. Nani Sahra Walker, *Caste system’s insidious reach, More South Asians in the U.S. are speaking out and confronting intolerance, exclusion.*, Los Angeles Times (Jul.4, 2021). Also available at <https://perma.cc/CCP8-UM83>.
- m. Niha Masih, *Seattle becomes first U.S. city to ban caste discrimination*, WASH. POST (Feb. 22, 2023). Also available at <https://perma.cc/2CQX-LQM6>.
- n. Niha Masih, *The Dalit filmmaker challenging India’s caste discrimination*, WASH. POST (June 10, 2022). Also available at <https://perma.cc/M7H8-YNJU>.
- o. Nitasha Tiku, *India’s engineers have thrived in Silicon Valley. So has its caste system.*, Wash. Post (Oct. 27, 2020). Also available at <https://perma.cc/3VQL-YT8B>.
- p. Paula Chakravartty & Ajantha Subramanian, *Why is Caste Inequality Still Legal in America?*, N.Y. TIMES (May 25, 2021). Also available at <https://perma.cc/T9Q2-P4QS>.
- q. Rohit Chopra & Ajantha Subramanian, *Caste Discrimination Exists in the U.S., Too – But a Movement to Outlaw it is Growing*, TIME (Feb. 11, 2022). Also available at

<https://perma.cc/WQ46-7DHX>.

- r. Sakshi Venkatraman, *Harvard adds caste bias protections for graduate student workers*, NBC (Dec. 2, 2021). Also available at <https://perma.cc/YWY6-W3KD>.
- s. Sameer Yasir, *Gail Omvedt, 80, Dies; India Became Her Home, the Caste System Her Cause*, N.Y. TIMES (Sept. 1, 2021). Also available at <https://perma.cc/LT9G-G6EG>.
- t. Suhauna Hussain, *An activist artist explores caste discrimination and how to fight it*, L.A. TIMES (Feb. 14, 2023). Also available at <https://perma.cc/N8A2-ZME8>.
- u. Talal Ansari, *Seattle Becomes First City in U.S. to Ban Caste Discrimination*, Wall Street Journal (Feb. 21, 2023). Also available at <https://perma.cc/J9U2-P8QJ>.
- v. Tali Arbel, *California sues Cisco for bias based on Indian caste system*, AP Business News (Jul. 1, 2020). Also available at <https://perma.cc/AUX2-TLX4>.
- w. Thenmozhi Soundararajan, *A new lawsuit shines a light on caste discrimination in the U.S. and around the world*, Wash. Post (Jul. 13, 2020). Also available at <https://perma.cc/N9ZM-CP2S>.
- x. Yashica Dutt, *The Specter of Caste in Silicon Valley*, N.Y. TIMES, (July 14, 2020). Also available at <https://perma.cc/RPC6-AV9B>.

POINTS AND AUTHORITIES

The Court may take judicial notice of facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FED. R. EVID. 201(b). “The Court . . . must take judicial notice if a party requests it and the court is supplied with the necessary information.” *Id.* 201(c)(2).

A. Official Policies of CSU (RJN Exh. 1), UC Davis (Exh. 6), and Four Private Universities (Exhs. 2, 3, 4, 5).

The Court may take judicial notice of the “records and reports of administrative bodies.” *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986). Here, California State University is a public university. *Stanley v. Trustees of the California State Univ.*, 433 F.3d 1129, 1133 (9th Cir. 2006) (noting that the Ninth Circuit has previously held that the Trustees of California State University comprise an arm of the state); *Mitchell v. Los Angeles Cmty. Coll. Dist.*, 861 F.2d 198, 201 (9th Cir. 1988) (California state colleges and universities are “dependent instrumentalities of the state.”); *Ishimatsu v. Regents of the Univ. of Cal.*, 266 Cal. App. 2d 854, 864 (1968) (holding that “the University is a statewide administrative agency”). Accordingly, CSU’s rules, standing orders, official policies, procedures, information displayed on its website, and public records are all proper subjects of judicial notice. Its Nondiscrimination Policy (RJN Exh. 1) plainly qualifies (especially given that plaintiff attached an interim version of the Policy to his initial Complaint (*see* FAC Exh. A–ECF No. 1-1)).

The same is true of the policies of the University of California, Davis (RJN Exh. 2). *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (taking judicial notice of government website); *Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998 (9th Cir. 2010) (approving judicial notice of information “made publicly available by government entities”); *Kheriaty v. Regents of Univ. of Cal.*, sacv-21-1367, 2021 WL 6298332, at *3 (C.D. Cal. Dec. 8, 2021) (taking judicial notice of public university policy); *Enstrom v. Regents of the Univ. of Cal.*, No. 12-5168,

1 2013 WL 11238482, at *11 n. 2 (C.D. Cal. Mar. 18, 2013) (noting propriety of
2 judicial notice of University policies); *Dao v. Univ. of Cal.*, No. 04-2257, 2004 WL
3 1824129, at *4 (N.D. Cal. Aug. 13, 2004) (taking judicial notice of public university
4 policy).

5 Likewise, official documents from a private university that “are all publicly
6 available documents [] thus are subject to judicial notice.” *E.g. Saroya v. Univ. of*
7 *the Pac.*, 503 F. Supp. 3d 986, 994 (N.D. Cal. 2020) (taking judicial notice of a
8 private institution’s course catalog, financial responsibility agreement, and
9 communications to students about university matters and campus updates). *See also*
10 *Aubrey v. New Sch.*, No. 21-CV-4915 (KMK), 2022 WL 3867832 (S.D.N.Y. Aug.
11 30, 2022) (taking judicial notice of a private institution’s course catalog and “Your
12 Right to Know” webpage, which included university policies, consumer disclosures,
13 reservation of rights, statement of accreditation, Title IX policies, student financial
14 assistance, student resources, and healthy and safety information); *In re Univ. of San*
15 *Diego Tuition & Fees COVID-19 Refund Litig.*, No. 20CV1946-LAB-WVG, 2022
16 WL 959266, at *7 (S.D. Cal. Mar. 30, 2022) (taking judicial notice of a private
17 university’s public and wide-spread communications to students); *Abuelhawa v.*
18 *Santa Clara Univ.*, 20-cv-04045, 2021 WL 5584759, at *4 (N.D. Cal. Nov. 29,
19 2021) (taking judicial notice of private university website, government orders, and
20 public records). Thus, the nondiscrimination policies of Brandeis, Brown, Colby,
21 and Harvard (RJN Exhs. 2–5) are also appropriate for judicial notice.

22 Further, all official documents from CSU and other universities listed above
23 are publicly available online, and the existence of these policies can thus be
24 accurately and readily determined from sources—*i.e.*, the universities’ own
25 websites—whose accuracy cannot reasonably be questioned. *See also Patel*, 253
26 F.R.D. at 547 (noting that courts in Ninth Circuit routinely grant judicial notice of
27 documents available online); *GeoVector Corp. v. Samsung Elecs. Co.*, 234 F. Supp.
28 3d 1009, 1016 (N.D. Cal. 2017) (granting judicial notice of publicly available

1 government records); *Lamont v. Time Warner, Inc.*, No. 12-8030, 2012 WL
2 5248061, at *2 n.2 (C.D. Cal. Oct. 19, 2012).

3 **B. California Senate Bill (RJN Exhs. 7–8).**

4 “Courts may take judicial notice of state statutes and their legislative history.”
5 *Theis v. Yuba County Sheriff’s Dep’t*, 2019 WL 3006261 (E.D. Cal. July 7, 2019),
6 citing *Anderson v. Holder*, 673 F.3d 1089, 1094 n. 1 (9th Cir. 2012). California
7 Senate Bill 403 (“Discrimination on the basis of caste”) is an appropriate subject for
8 judicial notice (*see* RJN Exh. 7), as is the history and status of the bill (RJN Exh. 7–
9 8.)

10 **C. Ordinances (RJN Exhs. 9, 10).**

11 It is well-settled that municipal ordinances are proper subjects for judicial
12 notice. *Tollis, Inc. v. County of San Diego*, 505 F.3d 935, 938 n. 1 (9th Cir.2007)
13 (“Municipal ordinances are proper subjects for judicial notice”). The Seattle
14 Ordinance (Exh. 9) and Municipal Code (Exh. 10) are proper subjects of judicial
15 notice.

16 **D. Government Reports on Country Conditions (RJN Exhs. 11–18)**
17 **and Legislative History (RJN Exhs. 20-23).**

18 Government reports on governments websites are proper subjects of judicial
19 notice. *United States ex rel. Modglin v. DJO Global Inc.*, 48 F.Supp.3d 1362, 1381–
20 82 (C.D. Cal. 2014) (“Under Rule 201, the court can take judicial notice of ‘[p]ublic
21 records and government documents available from reliable sources on the Internet,’
22 such as websites run by governmental agencies”); *Universal Cable Prods. LLC v.*
23 *Atl. Specialty Ins. Co.*, 278 F. Supp. 3d 1165, 1169 (C.D. Cal. 2017), *rev’d in part*,
24 *vacated in part*, 929 F.3d 1143, n.3 (9th Cir. 2019) (finding State Department’s
25 Bureau of Democracy, Human Rights and Labor reports were proper forms of
26 evidence for the Court to take judicial notice as exhibits, and judicial notice was
27 appropriate). This includes legislative history. *Chaker v. Crogan*, 428 F.3d 1215,
28 1223 n. 8 (9th Cir. 2005); *Barber v. Nestle USA, Inc.*, 154 F. Supp. 3d 954, 958 n. 1

1 (C.D. Cal. 2015), *aff'd*, 730 F. App'x 464 (9th Cir. 2018).

2 Accordingly, reports on country conditions publicized and relied on by
3 government agencies in the United States are reliable sources which the Court may
4 judicially notice. This includes legislative history of the United States Congress
5 discussing caste in resolutions from the House and Senate.

6 **E. EEOC FAQs (RJN Exh. 19).**

7 “The Court may take judicial notice of materials available on government
8 agency websites,” including guidance documents. *Gustavson v. Wrigley Sales Co.*,
9 961 F. Supp. 2d 1100, 1113 n. 1. *See also Hansen Beverage Co. v. Innovation*
10 *Ventures, LLC*, 2009 WL 6597891, at *2 (S.D. Cal. Dec. 23, 2009). The Frequently
11 Asked Questions (FAQs) of the United States Employment Opportunity
12 Commission (EEOC) regarding race discrimination are properly subject to judicial
13 notice.

14 **F. Reports, Positions, Statements, and Recommendations of the**
15 **United Nations and Special Rapporteur (RJN Exhs. 24–27.)**

16 The Ninth Circuit has found that judicial notice of documents published by
17 the United Nations are proper subjects of judicial notice. *See Barber v. Nestle USA,*
18 *Inc.*, 154 F. Supp. 3d 954, 958 n. 1 (C.D. Cal. 2015) (“Plaintiffs request that the
19 Court take judicial notice of two documents published by the United Nations. Such
20 documents are published by a governmental entity and are not subject to reasonable
21 dispute, and accordingly, they are appropriate for judicial notice.”), *aff'd*, 730 F.
22 App'x 464 (9th Cir. 2018). The United Nations positions and reports attached here
23 (RJN Exhs. 24–27) are likewise subject to judicial notice here.

24 **G. Constitution and Acts of India (RJN Exhs. 28, 29.)**

25 This Court has broad discretion under Rule 44.1 to consider relevant material
26 regarding the laws of foreign jurisdictions. *See Fed. R. Civ. Proc. 44.1; see also*
27 *Radu v. Shon*, 62 F. 4th 1165, 1174. Here, consideration of foreign law is
28 particularly appropriate, because defendant does not ask this Court to construe or

1 apply foreign law. Instead, it merely asks this Court to take notice that caste
2 discrimination is a recognized form of discrimination under Indian law, as both the
3 Indian Constitution (RJN Exh. 28) and the Indian Prevention of Atrocities Act (RJN
4 Exh. 29) demonstrate. Accordingly, defendant respectfully requests judicial notice.

5 **G. Newspapers, Magazines, and Books (RJN Exhs. 30(a)-30(x).)**

6 The Court may also take judicial notice of the fact that various newspapers,
7 magazines, and books have published information about caste discrimination. *Von*
8 *Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir.
9 2010) (“Courts may take judicial notice of publications introduced to indicate what
10 was in the public realm at the time, not whether the contents of those articles were in
11 fact true”) (internal quotations omitted). Thus, upon reviewing the compendium of
12 news articles which describe caste discrimination (RJN Exhs. 30(a)–(x)), the court
13 may take judicial notice that the topic of caste is a topic of discussion in the public
14 realm.

15 * * *

16 Defendant respectfully asks the Court to grant judicial notice of the
17 documents identified above.

18
19 Dated: May 15, 2023

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